

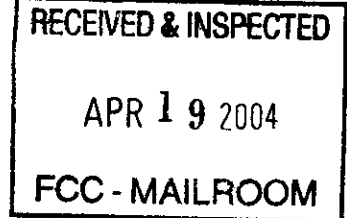
## DISTRICT 130 PUBLIC SCHOOLS

12300 South Greenwood Avenue • Blue Island, Illinois 60406 • District Office 708/385-6800  
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### Letter of Appeal

Universal Service "E-Rate" Program: CC Docket Nos. 96-45 and 97-21

Federal Communications Commission  
Office of the Secretary  
445 - 12th Street, SW  
Washington, DC 20554



Applicant Name: Cook County School District #130  
12300 S. Greenwood Ave.  
Blue Island, IL 60406  
Phone: (708) 385-6800  
Fax: (708) 385-8467

Entity Number: 135491  
District Contact: Anthony L. Cucci

**471 APPLICATION NUMBER: 357892**

**NOTICE OF FUNDING YEAR 2003-2004**

**FUNDING REQUEST NUMBERS: 967018, 967025, 967075, 967113, 967131, 967161,  
967186, 967205, 967226, 967243, 967286, 967316,  
967402, 967426, 967450, 967465, 967497, 967588,  
967615, 967660, 967684, 967697, 968203, 968221,  
968250, 968263, 968283, 968293, 968311, 968316,  
968326, 968337, 968346.**

**USAC DECISION ON APPEAL: DENIED IN FULL**

**EXPLANATION: Form 470 # 463450000416949**

**Posting Date: 09/27/2002**

**Allowable Contract Date: 10/25/2002  
was deemed not certified.**

In this submission, we are appealing the Schools and Libraries Division of USAC's ("SLD") decision on appeal for the funding year 2003, also attached herein as Attachment A. In brief, the SLD has determined that Cook County School District #130 ("applicant") could not prove that the original Form 470 was certified within the Feb. 6, 2003 close of the window for Funding Year 2003.

We agree with the SLD that we cannot produce a post-office generated receipt or confirmation of having sent in the pages on 10/10/02. Instead, we have provided another copy of the original Block 6 certification page, of which we attach another copy here (as Attachment B). We certify here that this is a copy of the original that was sent on 10/10/02 date, very close to the original 9/27/02 on-line posting date of the Form 470 in question.

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### **Issues in the Case:**

We submit the following in support:

#### **Possible – and Likely – Errors in Mailing and Handling of Documents by the SLD are not treated fairly**

To date, the FCC and the SLD have instituted a very unfair standard of proof – applicant is guilty until you can prove yourself innocent, when it comes to handling of documents. This is even more unfair when the issue is a meaningless paper submission that does nothing to further the letter and intent of the program.

In contrast, errors and miss-handling of documents by the SLD are not treated with the same weight. In short, possible errors by the SLD in handling documents are, in effect, the applicants fault, not the SLD's. We believe that in this case here, our copy of the original document, (Attachment A) is sufficient to prove that the certification page was sent in on time, and we ask that the FCC allow this so the application can move forward.

#### **Actual Importance of the 470 Certification Page**

The Form 470 certification page is one of the most meaningless pieces of paperwork in a process that seeks to notify vendors through a web-based notification system. In short, putting the 470 on-line – which the applicant did quite thoroughly -- was sufficient to allow the letter and intent of the reason for the 470 to continue. The 470 was a mechanism put in place to notify vendors of prospective purchases and allow the competitive market to render cost-effective prices to applicants. In this process, the 470 certification page is meaningless, since the ability to contact, negotiate and procure with vendors happens as a result of the on-line submission. What counts is the on-line posting, the applicant / vendor contacts, proper negotiation and the proper completion of the Form 471. The applicant here followed all of the proper procedures –even went so far as to contact vendors themselves when they did not respond to the 470 – and moved forward with agreements as listed in their Form 471 submission. The 470 certification page had no impact whatsoever on that process. The key is the on-line submission, not the certification page.

Therefore, we ask that the FCC allow the applicant to show as proof the copy of the original Form 470 certification page and allow the Forms 470 and 471 to move forward for further review and consideration. We also ask that the FCC make a change in its Rules to do away with the certification portion of the 470, or to have it as part of the original on-line process, without the need to file any additional paperwork. Again, we submit here that the paper 470 certification page is not a requirement for an on-line submission. We agree that it still may be the case for a traditional paper 470 submission, but clearly, it is clutter in an increasingly on-line application process that the SLD has tried to establish.

Please don't hesitate to call with any further questions or concerns.

Sincerely,

*Anthony L. Cucci* 4/12/04

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